IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.525 OF 2003

Rita Tulsi & Ors. ...Appellants

Versus

Municipal Corpn.of Greater Bombay & Ors. ...Respondents

Shri Manish Mistry i/by Shri Mistry for the Appellants.

Shri J.J.Xavier for B.M.C.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 20, 2007.

P.C.:

1. Affidavit of the first Appellant is placed on record. The learned Advocate for the Appellant seeks permission to withdraw the First Appeal with liberty to apply to the concerned authority for regularisation of the suit structure. Affidavit is taken on record and marked "X" for identification. Shri Xavier pointed out that the statement made in paragraph No.2 of the affidavit is incorrect and there is no policy which protects the structures in existence upto year 2000.

2. The Appellants desire to apply for regularisation. If they apply for regularisation, it is for the concerned authority to decide whether the

suit structure can be regularised in accordance with law or in accordance with the existing policies.

3. Hence, Appeal is disposed of by passing following order:

(i) Dismissed as withdrawn with no orders as to costs.

(ii) If Application for regularisation of the suit structures is made by the Appellants within a period of eight weeks from today, the same shall be decided by the concerned authority of the first Respondent-Corporation within the period of eight weeks from the date of receipt of the Application.

(iii) If Application for regularisation is made by the Appellants within a period of eight weeks from today, status-quo as of today will be maintained by both the parties in respect of the suit structure for a period of six months from today.

(iv) If Application for regularisation is not made

within the stipulated period of eight weeks, the first Respondent-Corporation will be free to proceed with the work of demolition.

(v) Decision taken by the concerned authority on the Application for regularisation will be communicated to the Appellants within a period of one week from the date of the decision.

(vi) Parties to act upon an authenticated copy of this order.

JUDGE